Copy Kings Letter, (as taken from the Records of Exchequer) in Anſwer to on Letter of the Lords of Theaſury, of the 19th of March *laſt, anent the Burden upon the Sale of forfeited Eſtates.*

Edinburgh 9th. June 1681.

HIS *Majeſties* Letter underwritten, direct to the Lords Commiſſioners of his Majeſties Theaſury, was preſented and read, and ordained to be booked whereof the Tenor follows.

CHARLES REX:

RIGHT truſty, right intirly, and well beloved Couſin and Councellor, Right truſty and well beloved Couſins and Councellors, and right truſty and well beloved Councellor, we greet you well. Having received your Letter the *19th* of *March*, from the Lord *Halton* our Theaſurer Depute, with an Account of ſuch Matters as are contained in his Inſtructions from you, which you ordered him to repreſent unto us: We have thought fit to let you know, that as we are ſenſible of the Burden that lies on our Theaſury there, and of the great Importance, it will be for our Service to have a conſiderable Sum of Money laid up in our Caſtle of *Edinburgh*, to be in a readineſs upon all Occaſions, as we may from Time to time, have Uſe for the ſame; ſo we are very well ſatisfied of the Propoſal offered by you, for removing the one, and effectuating the other: And therefore we have ſigned a Commiſſion and inſtructions for you (of the Date of theſe preſents) for puting to ſale the Eſtates of ſuch as are, or ſhall hereafter happen to be forfeited, for being in or having Acceſſion to the late Rebellion, which was defeated at *Bothwel* bridge, excepting ſuch forfeited Eſtates, as we have been already pleaſed to grant by particular Gifts under our royal Hand, and the Rights of ſome few Perſons who are Creditors to ſome of thoſe Traitors, for ſeveral inconſiderable Sums of Money; which you will find we have ordered to be ſecured unto them; and to the End this Deſign may be rendered the more effectual, we have reſolved in Compliance with your Advice in your ſaid Letter, not to grant any more Gifts of thoſe Forfaultures, nor to draw any Precepts upon the Moneys that ſhall be got up by the Sale of them, until the Sum of ſeven thouſand pound Sterling Money ſhall in the firſt Place be laid up in our ſaid Caſtle, for the Purpoſe already mentioned and thereafter, the Debts our Theaſury is in ſhall be payed. As to the further Impoſition upon *Spaniſh* or *French* Wines, Tobacco &c. there remains nothing at preſent to be ſaid by us upon that Subject, the ſame being already ordered by a Proclamation, by our privy Council there: Having alſo ſeen and conſidered the Eſtimate which we have received from our ſaid Theaſurer Depute, of the Expences requiſite to the Reparations of our Palaces and Caſtles, extending to the Sum of 3719 pound ſterling, we have thought fit to add ſix hundred pound ſterling to the ſame, to be beſtowed upon Reparations, in and about our Palace of *Linlithgow*, the whole extending to the Sum of 4319 *lib. ſterl.* which we are reſolved ſhall be payed out of ſuch of our Caſualities there, as ſhall happen to fall hereafter under our Gift. Whereof it is our Will and Pleaſure, that ye ſend us an Accompt from Time to Time, as any ſuch ſhall happen to fall, to the End we may order the Benefit thereof to be applyed towards the Payment of the foreſaid Sums: So we bid you heartily farewell.

Given at our Court of Whitehall, *the 27th Day of* April, *of our Reign the thirty third Year.* Sic ſubſcribitur, *By his Majeſties Command*, MORRAY.

INSTRUCTIONS for the Commiſſioners, appointed for the Sale of forfeited Eſtates for the Rebellion, *Anno* 1679.

HIS Majeſties Inſtructions underwritten, direct to his Commiſſioners aftermentioned, were preſented and read, and ordained to be booked, whereof the Tenor follows.

INSTRUCTIONS to the Commiſſioners for putting to Sale the Eſtates of thoſe who were guilty of the late Rebellion.

1*ſt*, You are to ſell the Lands of the Perſons already forfeited, or who ſhall happen to be forfeited hereafter, for their Acceſſion to the laſt Rebellion, in the Year 1679, which was defeated at *Bothwel*-Bridge, not above ten Years Purchaſe, and not under Eight Years Purchaſe.

2*d*, You are to try, if any of the ſaid Lands pay Graſſums or Entries, either at the receiving of a new Tack, or at the Death of the Maſter or Tennant, or any other manner of way, to the End the Price of ſuch Lands may be augmented according to the true Value thereof.

3*tio*,

3*d*, You are to make Sale of the Lands, at the Rates abovementioned; you are allowed to abate the third part of the Price, in ſo far as the ſaid Lands are liferented by any Perſon; providing always that the Right of ſuch Liferent be compleated by Confirmation under our great Seal, before the Crimes were committed, and no otherways.

4*th*, If any of the Perſons forfeited have any Debts, or Sums of Money owing unto them, you are to tranſact with their Debitors for the ſame, deducing ſo much of the Annualrents, but nothing of the principal Sums.

5*th*, You are after Receit of our Commiſſion for the Sale of Lands, immediatly to cauſe exped the ſamen throw the Seals; and to make a Publication thereof t all Places needful.

Given at our Court at Whitehall, *the* 27*th* Day *of April* 1681, *and of our Reign the* 33*d Year.* Sic ſubſcribitur, *By his Majeſties Command,* MORRAY.

Copy, Proclamation of the Sale of *forfeited Eſtates*, of thoſe who were in the Rebellion *Anno* 1679.

Edinburgh 10th *June*, 1681.

THE Lords Commiſſiones of his Majeſties Theaſury conſidering, that by Commiſſion under his Majeſties great Seal, bearing date at *Whitehall* the 27th of *April* laſt; His Majeſty, for the Reaſons and Cauſes therein mentioned, hath impowered them to ſell and diſpone the Eſtates both real and perſonal, which pertained to divers Perſons who were at the late Rebellion, and treaſonable Inſurrection of that Party, who did riſe in the weſtern Parts of this Kingdom in the Year 1679, and who were then beat and defeat at *Bothwel*-bridge, *or were acceſſory thereunto, and doth now pertain to his Majeſty, by the Sentence and Doom of Forfaultures pronounced againſt them, and to that Effect, to treat and agree with any Perſon or Perſons, who ſhall be willing to agree and purchaſe the ſaid Eſtates, or any Part thereof, and to grant and ſubſcribe all Diſpoſitions, and other Writes neceſſary for ſecuring them therein, as is more fully contained in the ſaid Commiſſions.*

And the ſaid Lords Commiſſioners, conceiving it neceſſary for the better Proſecution thereof, that convenient Diets be keept, for treating with all ſuch as ſhall incline to buy and acquire the Right of the ſaid Lands, Teinds, Rents, Tacks, Steidings, Rooms, Poſſeſſions, and other Eſtates real or perſonal, which pertained to the Perſons already forfeited, for being engaged in, or being acceſſory to the ſaid Rebellion or who ſhall be forfeited hereafter, during this preſent Commiſſion, as guilty of the ſaid Crime, have thought fit that Intimation be made to all his Majeſties Leidges, that the ſaid Lords Commiſſioners are to meet at *Edinburgh*, in his Majeſties Exchequer Houſe, the 1*ſt* Day of *July* next, to come for the firſt Dyet, and the eight Day thereof for the ſecond Dyet: And thereafter will continue the Dyets as they ſhall find Cauſe, to treat and agree with all ſuch Perſons as ſhall be deſirous to buy any of the ſaid Lands, Tiends, and others abovewritten, which belonged to the ſaid forfeited Perſons, or any Part thereof, as well to the Price of the ſaid Lands, as otherwiſe, to appear before the ſaid Lords the ſaid Day and Places: And to the Effect abovewritten, *ordains* theſe preſents to be printed and publiſhed at the Mercat Croſs of *Edinburgh*, Peir and Shoar of *Leith*, and the Market Croſſes of the head Burghs, of the Shires of *Fife*, *Roxburgh*, *Perth*, *Stirling*, *Lanerk*, *Dumbarton*, *Renfrew*, *Linlithgow*, *Dumfries*, *Wigton*, *Air* and *Stewartries*, and *Kirkcudbright*, and other Places needful, that none pretend Ignorance. *Sic ſubſcribitur Queensberry*, *Dundonald*, *Ch: Maitland.*

Follows the Execution of the foreſaid Proclamation.

UPon the tenth day of June 1681, *within ſpecified, I* John Henderſon *one of the Macers of Exchequer, according to the diets within mentioned, made Intimation of the Sale of the forfeited Eſtates (occaſioned by the Rebellion in* Anno 1679, *at the Market Croſs of* Edinburgh, *Peir and Shoar of* Leith, *by ſound of a Trumpet before theſe Witneſſes,* John Shaw *one of the ſaid* Macers, *and* David Callender *Servant to* Thomas Moncrief *of that ilk Clerk of the Theaſury and Exchequer,* William Smith my Servant, *and* William Carnegy *Servant to* Robert Childers, *one of his Majeſties Trumpets, and ſeveral others at the ſeveral Places,* reſpective et ſucceſſive.

Copy Presentation in favours of *Patrick, Johnstoun*, of *Gormock*, (then designed of *Bankhead* writer in *Edinburgh*) to the Lands of *Halton* of *Rattray*, which belonged to Mr. *Donald Cargil*.

OUR SOVERAIGN Lord, with the special Advice and Consent of his Majesties Right trusty and well beloved Cousins and Councellors, *John* Duke of *Lauderdale*, Precedent of his Majesties privy Council of his ancient Kingdom of *Scotland*, *John* Marquis of *Athol* Lord privy Seal, *Alexander* Earl of *Murray* sole Secretary of State of the said Kingdom, *William* Earl of *Queensberry*, *Patrick* Earl of *Strathmore*, *Charles Maitland* of *Halton* his Majesties Theasurer Depute, Commissioners of his Majesty's Theasury, Comptroller and Theasury of new Augmentations of the said Kingdom, and also with Advice and Consent of the remanent Lords, and other Commissioners of his Majesties Exchequer, and also having Power and Commission from his Majesty, of the Date the 27th of *April* 1681 Years, for selling and disponing all Lands, Heritages, Tenements, Annualrents, Tacks, Steidings, Rooms, Possessions, and others whatsoever, belonging to whatsoever Person or Persons forfeited for their Presence, at or Accession to the late Rebellion at *Bothwel-bridge*, or other Crimes therein mentioned, conform to his Majesties Instructions thereanent; *Considering* that his Majesty's Lovit *Pabrick Johnstoun* of *Bankhead* Writer in *Edinburgh*, hath not only been at Trouble and Expences of extracting an Act and Diligence against Witnesses, for proving the Rental of the Lands of *Halton*, lying in manner underwritten, and brought them this Length in Order thereto; and that they deponed and proved the foresaid Rental; but also has paid to his Majesty's Cash-keeper, the Price appointed by the said Instructions, to be payed for the Lands fallen under such Forfaultures: Therefore and for other Considerations, His Majesty, with Advice and Consent foresaid, ordains a Letter of Presentation to be made and past under the Testimony of his Highness's great Seal, in due Form, direct to *James Hay* of *Rattray* Superior of the Lands underwritten, and Sir *David Nisbet* of that Ilk, Tutor Dative to him as dumb: Making mention that where there are certain Lands called *Halton* of *Rattray*, lying within the Parochine of *Rattray* and Sherriffdom of *Perth*, bounded and designed in manner contained in the deceast Mr. *Donald Cargil* sometime of *Halton*, his Rights and Infeftments thereon, which Lands pertained heretably, and before to the said deceast Mr. *Donald Cargil*, and now to our Soveraign Lord fallen and become in his Highness's Hands, and at his Gift and Disposition, by reason of Forfaulture, by the Priviledge of his Majesties Crown, Laws, and daily Practice of this Realm, thorow being of the said Mr. *Donald Cargil*, convicted and found guilty of the Crimes of Treason for rising and continuing in Arms, with other Rebels and intercommuned Persons, in *Anno* 1679, and being present with them at *Bothwelbridge*, conform to the Sentence and Doom of Forfaulture pronounced against him, by his Majesties Justice General, and remanent Commissioner of Justiciary, upon the Day of and His Majesty not being willing to hurt or prejudge the said *James Hay* of *Rattray*, and his said Tutor, for his Interest, for the Superiority of the said Lands, but rather to provide them a sufficient Tenant thereto: Therefore, our said Sovereign Lord, with Advice and Consent foresaid, has presented, and by thir Presents presents to them His said Highness's Lovit, *Patrick Johnston*, and his Heirs and Assigneys whatsomever, immediat lawful Tenants of the said Lands of *Haltoun* with the Parts, Pendicles and Pertinents thereof, lying as aforesaid, requring always the said Superior, and his said Tutor, or any other his Tutors, to accept, receive, and admit the samen Heritor, Vassal and Tenents of the samen Lands above-written, and to infeft and sease him and his Foresaids therein, by Charter and Seasin as effeirs in due and competent Form, to be holden of the said *James Hay* and his said Tutors for his Interest, and his Successors sik like, and als freely in all respects, as the said Unquhil Mr. *Donald Cargil* held or might have holden the samen himself, in any Time coming; and had been his Majesties free Liege, and that the said Letter of Presentation be further extended in the best Form, with all Clauses needful. Given at *Edinburgh* the 27th day of *January* 1682 Years, *Ut supra signatur*, CHARLES REX, *Sic subscribitur* Strathmore, Queensberry, Ch. Maitland, Elphingstoun, *M.* Raitand, Jo. Foullis, W. Purvis.

Registrate 1st. *February* 1682. — *Declaration taken*, Thomas Moncrieff Clerk. Composition two thousand pound *Scots*.

Copy Certificate of the above 2000 *lib.* payed to the Exchequer, the Principal whereof is lying in Process.

FROM *Patrick Johnstoun* of *Bankhead*, for the Forfaulture of the Lands of *Haltoun* of *Rattray*, which belonged to Mr. *Donald Cargil* *lib.* 2000 *Scots*.

These are certifying, that the above Article stands charged in the Theasury Accompts fitted 19th *of* April 1684. *as Money received from the above Mr.* Johnstoun, *for the foresaid Estate*, Sic subscribitur, *p.* John Philp *Auditor*,

Edinburgh 12*th* die Decembris, 1722.